

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

DOUGLAS S. BROWN, STEPHEN
KAWELTI and JAMES A. PROSSER,

Plaintiffs,

V.

BANK OF AMERICA, N.A.,

Defendant.

05-10713-PBS

**PLAINTIFFS' UNOPPOSED MOTION FOR AN EXTENSION
OF THE DISCOVERY CUT-OFF**

Now come the Plaintiffs in the above entitled matter and request that this Court extend the discovery cut-offs in this case by 90 days. In support of this motion, the Plaintiffs state that a hearing in a related class action case was recently conducted in the California Superior Court, the outcome of which could have adversely impacted this MDL litigation. The parties were waiting for the California Court to decide whether to approve a proposed nationwide settlement which could have encompassed all of the claims raised in this MDL litigation. At the close of that recent hearing, the Defendant Bank of America withdrew its request for preliminary approval of its settlement.

The parties need additional time to complete discovery in this case so that a motion for class certification can be presented to the Court for determination. In light of the procedural irregularities and complexities of this litigation, the Plaintiffs believe that they have shown just cause to request a further extension to complete discovery. The Defendant does not oppose this request.

WHEREFORE, Plaintiffs pray that their Unopposed Motion to Extend Discovery Cut-Offs be granted and that the Court extend the discovery as follows:

- a. March 30, 2007: Fact Discovery Cut-Off
- b. April 15, 2007: Plaintiffs' Expert Designation
- c. May 15, 2007: Defendant's Expert Designation
- d. June 15, 2007: Expert Discovery deadline

Respectfully submitted;

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to E. Macey Russell, Esq. on December 28, 2006 and will be mailed to

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